IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SECOND APPEAL NO. 316 OF 2007

Krishna Baburao Gawate..vs.. Suresh Gulabrao Gawate

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. Court's or Judge's Orders.

Shri Rohit Joshi, Advocate for appellant.
Shri A.S.Giradkar, Advocate for R-sole..

CORAM : A.B.CHAUDHARI, J.
Dated : July 27, 2007.

Mr. Joshi, learned counsel for the appellant fairly submits that the Courts below have concurrently found that the appellant is a gratuitous licensee and not a tenant.

Mr. Giradkar, learned counsel for sole respondent submits that the appellant is occupying suit house from 1984 free of costs.

Mr. Joshi, prays for grant of six months time to vacate the suit house. He further submits that his client is in private service and hence, he can not afford to pay occupation charges @ Rs. 2,000/- per month as suggested by Mr.

Giradkar.

In view of concurrent findings recorded by the Courts below, I do not find any substantial question of law in the present second appeal. Hence, the appeal is dismissed. The appellant is, however granted six months time to vacate suit house, on the condition of making payment of occupation charges @ Rs.1,000/- per month, till the time the appellant resides in the suit house from today which shall not be beyond a period of six months. In order to avoid any dispute about receipt/non-receipt of occupation charges, the appellant shall make the payment of occupation charges @ Rs.1,000/- per month by cheque to the respondent.

The appellant shall file undertaking in terms of this order within a week from today. The Second Appeal is dismissed. No order as to costs.

JUDGE

jsa.